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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

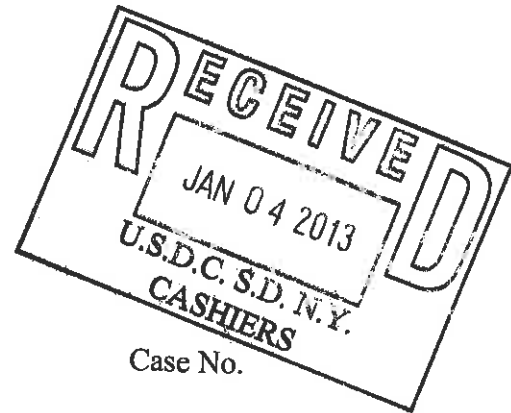
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JONATHAN ADLER ENTERPRISES, LLC,

Plaintiff,

-against-

SAFAVIEH HOME, LLC, d/b/a Safavieh,  
SAFAVIEH GROUP, LLC, d/b/a  
Safavieh, SAFAVIEH CARPETS OF  
ISFAHAN, INC., d/b/a Safavieh, and  
SAFAVIEH CARPETS, INC., d/b/a  
Safavieh,

Defendants.  
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**COMPLAINT**

***Jury Trial Requested***

Plaintiff, by its attorneys, Kaplan & Levenson, P.C., for its complaint against defendants, alleges as follows:

**PARTIES**

1. Plaintiff Jonathan Adler Enterprises, LLC ("Adler") is a New York limited liability company with its principal place of business at 333 Hudson Street, 7<sup>th</sup> floor, New York, NY, and is in the business of, among other things, manufacturing and selling various home furnishing products, including without limitation pillows and rugs.

2. Defendant Safavieh Home, LLC ("Safavieh Home") is a New York limited liability company with its principal office located at 40 Harbor Park Drive North, Port Washington, NY.

3. Defendant Safavieh Group, LLC (“Safavieh Group”) is a New York limited liability company with its principal office located at 40 Harbor Park Drive North, Port Washington, NY.

4. Defendant Safavieh Carpets of Isfahan, Inc. (“Safavieh Isfahan”) is a New York corporation with its principal office located at 40 Harbor Park Drive North, Port Washington, NY.

5. Defendant Safavieh Carpets, Inc. (“Safavieh Carpets”) is a New York corporation with its principal office located at 40 Harbor Park Drive North, Port Washington, NY.

### **JURISDICTION AND VENUE**

6. This is a civil action for copyright infringement arising under the copyright laws of the United States, 17 U.S.C. §101 *et seq.* (hereinafter the “Copyright Act”). Jurisdiction is based on 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this district under 28 U.S.C. §1391 and §1400 because the defendants are found in the Southern District by themselves or through their agents inasmuch as they regularly transact business in the Southern District and because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

### **THE ADLER DESIGNS**

8. Adler is the creator and owner of the copyrights to the designs entitled: (i) Jungle Road, (ii) Bargello Waves, (iii) Chevron Pillow Sham, (iv) Worth Ave., and (v) Multi-Bargello (collectively, the “Adler Designs”).

9. Copyright registrations for the Adler Designs have been issued by the United States Copyright Office under registration numbers VA0001833247, VA0001813080, VA0001813225, and VA0001833417, respectively, and a copyright application, along with deposit material, has been filed with respect to Multi-Bargello under application number 1-849958491.

10. The Adler Designs were created, and have been actively sold since at least as early as 2005 with respect to the Multi-Bargello, 2006 with respect to the Bargello Waves and Chevron Pillow Sham patterns, and 2011 with respect to the others.

11. Copies of the Adler Designs are annexed hereto as follows: Exhibit A – Jungle Road, Exhibit B – Bargello Waves, Exhibit C – Chevron Pillow Sham, and Exhibit D – Multi-Bargello, and Exhibit E – Worth Ave.

12. The Adler Designs are each an original creation and constitutes copyrightable subject matter under the Copyright Act.

13. Adler has duly complied with all relevant requirements of the Copyright Act with respect to the Adler Designs, has filed applications for the registration registered its copyright in such design in the United States Copyright Office, and obtained registration certificates therefore, as aforementioned.

#### **CLAIM FOR RELIEF**

14. Adler repeats and realleges the allegations contained above as if fully set forth herein.

15. Defendants are currently manufacturing, distributing, promoting and selling, without any authorization or permission from Adler, multiple products (the “Infringing Products”) which are direct copies of the Adler Designs.

16. Photographs of each of the Infringing Products are annexed hereto as Exhibit F (Jungle Road, Bargello Waves, Chevron Pillow Sham and Worth Avenue), Exhibit G (Multi Bargello and Bargello Waves) and Exhibit H (Multi Bargello). Even a cursory review of the Infringing Products reveals that the Infringing Products are nearly identical knock-offs of the Adler Designs.

17. Defendants' unauthorized copying and commercial exploitation of the Adler Designs constitutes, among other things, violation of the Copyright Act of 1976, 17 U.S.C. §101 et seq. (the "Act"), and various states' laws.

18. Through such activities described above, defendants have thereby infringed and are continuing to infringe upon Adler's copyrights in the Adler Designs.

19. Each reproduction or distribution of an Infringing Product constitutes a separate copyright infringement by defendants.

20. Defendants were on notice that Adler was the holder of the copyrights for the Adler Designs in that Adler had registered its ownership rights with the U.S. Copyright Office, and because the Adler Designs are readily accessible on the [www.Jonathanadler.com](http://www.Jonathanadler.com) website, in Jonathan Adler stores throughout the United States and in multiple other retail locations throughout the World.

21. Upon information and belief, defendants' infringement of the Adler Designs was willful.

22. Upon information and belief, by the acts complained of, defendants have made substantial profits and gains to which they are not in law or in equity entitled.

23. Upon information and belief, defendants intend to and will continue to expand the infringing acts complained of herein, unless restrained by this Court.

24. The aforementioned acts of defendants have damaged and will continue to damage Adler and cause it irreparable harm, and Adler has no adequate remedy at law.

WHEREFORE, Adler respectfully requests:

A. That defendants, and their respective agents, officers, servants, employees, successors and/or assigns, and all persons or companies in active concert and/or participation with them, be preliminarily and permanently enjoined from reproducing, making, reprinting,

publishing, displaying, manufacturing, selling, offering for sale, promoting, advertising, distributing and/or commercially exploiting in any manner, either directly or indirectly, the Infringing Products, in addition to any other product which use or display unauthorized copies of the Adler Designs, or designs substantially similar thereto;

B. That Adler be entitled to a judgment to recover:

(1) (a) all damages suffered by Adler as a result of defendants' infringing acts, and (b) all profits derived from defendants' wrongful acts in an amount to be determined at the trial of this action; or

(2) in lieu of such damages and profits, should Adler so elect, an award of statutory damages with respect to each infringement as provided by 17 U.S.C. § 504(c);

C. That defendants be directed to deliver to Adler for destruction all products, designs, brochures, catalogues, means of manufacture and/or other materials in defendants' possession or control, which, if sold, distributed or used in any way would violate paragraph A above; and

D. That Adler recover from defendants all costs incurred in this action, including the reasonable attorney's fees incurred in connection with Adler's claim of copyright infringement with respect to the Adler Designs, together with such other and further relief as this Court may deem just and proper.

Dated: New York, NY  
January 3, 2013

KAPLAN & LEVENSON P.C.  
*Attorneys for Plaintiff*

By: 

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# EXHIBIT A



# EXHIBIT B







# EXHIBIT C





















# EXHIBIT D



# EXHIBIT E



# EXHIBIT F



# UMI AVIEH ACCENTS

Infringes  
Jungle Road  
↓



PIL550A - Set 2  
100% Cotton Cover  
100% Wool Embroidery  
Available Sizes: 18" x 18" • 22" x 22"

Infringes  
Worth Ave. 2



PIL553A - Set 2  
100% Cotton Cover

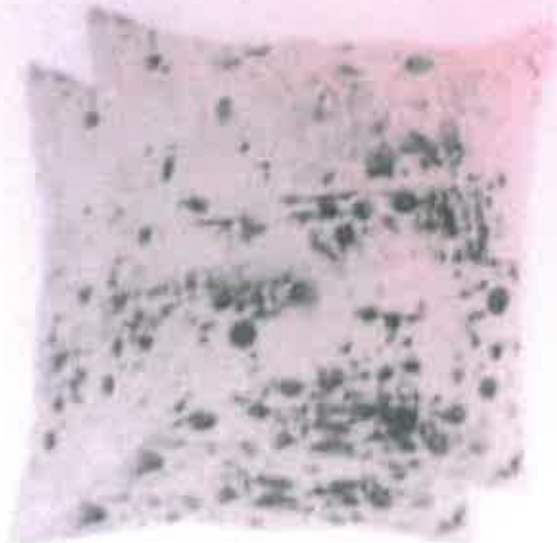


PIL162A - Set 2  
60% Linen, 40% Cotton • Fiber Fill  
Available Sizes:  
18" x 18" • 20" x 20" • 22" x 22"

Infringes  
Chevron 2



PIL552A - Set 2  
100% Cotton Cover



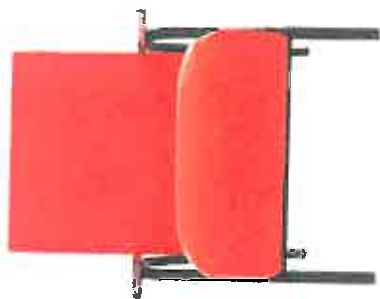
PIL304A - Set 2  
Polyester Cover • Fiber Fill  
Available Sizes:  
18" x 18" • 20" x 20" • 22" x 22"

Infringes  
Burgello Waves



PIL505A - Set 2  
100% Cotton Cover

# EXHIBIT G



Madison Armchair, Orange  
\$950-Retail \$469 Our Price



Set of 2 Lacey 18x18 Pillows, Multi  
\$420-Retail \$75 Our Price



Felix Club Chair, White  
\$895-Retail \$429 Our Price



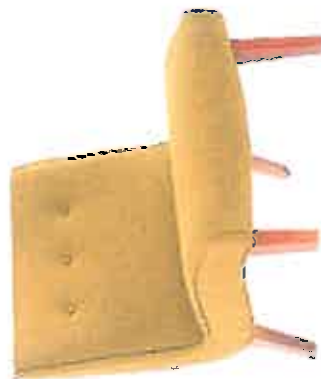
Cheissa Glass Lamp  
\$225-Retail \$169 Our Price



Coraline Armchair, Purple  
\$950-Retail \$429 Our Price



Set of 2 Balloon 18x18 Pillows, Multi  
\$420-Retail \$75 Our Price



Waves  
all  
the  
Hydrangea

Infringis  
Multi-  
Ballon



# EXHIBIT H



PIL552 - Satavien

Infringes Chevron Pillow Sham